

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CC.MEXICANO US, LLC,

Plaintiff(s),

v.

AERO II AVIATION, INC., et al.,

Defendant(s).

Case No. 2:14-CV-108 JCM (NJK)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (ECF No. 190). No objections were filed, and the deadline for filing objections has passed.

Magistrate Judge Koppe recommended that default judgment be entered against defendant Crittenden because he has repeatedly failed to comply with the court's orders. This is an abusive litigation practice that has interfered with the court's ability to hear this case, delayed litigation, disrupted the court's timely management of its docket, wasted judicial resources, and threatened the integrity of the court's orders and the orderly administration of justice. Magistrate Judge Koppe states that sanctions less drastic are unavailable because the defendant has willfully refused to comply with multiple court orders.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's findings and recommendation, then the court is required to "make a de novo determination of those portions of the report and recommendation to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149

1 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
2 magistrate judge's report and recommendation where no objections have been filed. *See United*
3 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
4 employed by the district court when reviewing a report and recommendation to which no
5 objections were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003)
6 (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are
7 not required to review "any issue that is not the subject of an objection."). Thus, if there is no
8 objection to a magistrate judge's recommendation, then this court may accept the recommendation
9 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
10 magistrate judge's recommendation to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
13 recommendation, this court finds good cause to ADOPT the magistrate judge's findings in full.

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the report and
16 recommendation of Magistrate Judge Koppe (ECF No. 190), are ADOPTED in their entirety.

17 IT IS FURTHER ORDERED that plaintiff shall prepare and file an appropriate judgment
18 for the court's signature within seven (7) days of this court's order.

19 DATED July 6, 2016.

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21 UNITED STATES DISTRICT JUDGE
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